

Remarks

Claims 1-24 are pending in the application.

Objection to the Drawings

Withdrawal of the objection to the drawings is respectfully requested in view of the formal drawings submitted herewith.

Claim rejections

Double patenting

Claims 1-25 were rejected under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 23 and 41 of US 6,760,778. Claims 1-25 were further rejected under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 1-16 of copending US 09/884,724. The content of claims 1-25 is still subject to change over the course of the prosecution of this application. The Applicant will consider whether to file a terminal disclaimer as the content of claims 1-25 becomes more settled.

Section 103

Claim 1 was rejected under 35 USC 103(a) as being unpatentable over Galipeau et al. (US 6,249,913) ("Galipeau") in view of Grabowsky et al. (U.S. 6,181,990) ("Grabowsky"). This rejection is respectfully traversed for at least the reason that the cited combination does not suggest operations involving first and second ground stations as recited in claim 1. The Examiner recognizes that Galipeau is silent as to the latter, but asserts that Grabowsky remedies deficiencies in Galipeau in this respect. The Applicant respectfully disagrees. Grabowsky does not show first and second ground stations as claimed. Instead, Grabowsky relates to offloading flight data from an airplane via an airlink to a cellular base station, and transferring the flight data from the base station via the Internet to a flight operations center. In particular, Grabowsky fails to disclose "transmitting data to the second ground station via the first ground station using a first protocol associated with the radio communication path and a second

protocol associated with the connection between the first ground station and the second ground station” as recited in claim 1. While the Examiner refers to a “second protocol” in the form of UDP/IP packets in Grabowsky at col. 4, lines 24-67, the UDP/IP packets are constructed by a processor 32 of a data acquisition unit 20 on an aircraft for transmission over the Internet. The UDP/IP packets are not transmitted from a first ground station to a second ground station as recited in claim 1.

Accordingly, claim 1 is allowable over Galipeau and Grabowsky. Withdrawal of the rejection of claim 1 as being unpatentable over Galipeau and Grabowsky is therefore respectfully requested.

Claims 2, 3, 10 and 17 were rejected under 35 USC 103(a) as being unpatentable over Galipeau in view of Rasanen (US 6,646,998) and Grabowsky.

The rejection of claim 2 is respectfully traversed for at least the reason that the cited combination fails to suggest “transmitting data to said second station, via the first ground station, using a pre-determined protocol for the radio communication path and second pre-determined protocol for the connection between the first ground station and the second ground station” as recited in claim 2. As discussed above in connection with claim 1, both Galipeau and Grabowsky are silent as to the noted recitation. Moreover, Rasanen does not cure the deficiencies in Galipeau and Grabowsky in this respect. Claim 2, and claim 3 dependent thereon are therefore allowable over Galipeau, Rasanen and Grabowsky.

The rejection of claims 10 and 17 is respectfully traversed for at least the reason that the cited combination fails to suggest “the data communications server including a plurality of interface units for accessing different data networks including an Ethernet interface unit, an ISDN interface unit, and a pre-determined wireless data network interface unit” as recited in each of claims 10 and 17 (in the case of claim 17, the noted feature is incorporated by way of dependency on independent claim 15). The Examiner cites Galipeau as disclosing the noted subject matter. However, while Galipeau does show blocks designated “Ethernet” in FIG. 11a, no mention of “an ISDN interface unit, and a pre-determined wireless data network interface unit” is present in Galipeau.

Moreover, Rasanen and Grabowsky do not remedy this deficiency in Galipeau. Claims 10 and 17 are therefore allowable over Galipeau, Rasanen and Grabowsky.

In view of the foregoing, withdrawal of the rejection of claims 2, 3, 10 and 17 as being unpatentable over Galipeau, Rasanen and Grabowsky is respectfully requested.

Claims 4, 5, 7 and 22 were rejected under 35 USC 103(a) as being unpatentable over Galipeau in view of Rasanen, Grabowsky and Chen et al. (US 5,412, 660) ("Chen"). Along lines discussed above, the combination of Galipeau, Rasanen and Grabowsky does not suggest "a data communication server co-located with [a] moving object, the data communication server including a plurality of interface units for accessing different data networks including an Ethernet interface unit, an ISDN interface unit, and a pre-determined wireless data network interface unit" as recited in claims 4 and 22. Claims 5 and 7 depend on claim 4 and therefore incorporate the noted recitations as well. Chen does not supply the subject matter absent from the latter references. While Chen does discuss ISDN communication, there is no mention of an ISDN interface unit of a "data communication server co-located with [a] moving object" as recited in claim 4. Therefore, claims 4, 5, 7 and 22 are allowable over Galipeau, Rasanen, Grabowsky and Chen. Accordingly, withdrawal of the rejection of claims 4, 5, 7 and 22 as being unpatentable over Galipeau, Rasanen, Grabowsky and Chen is respectfully requested.

Claim 6 was rejected under 35 USC 103(a) as being unpatentable over Galipeau, Rasanen, Grabowsky, Chen and Rai et al. (US 6,675,208) ("Rai"). Claim 6 depends on claim 4 and therefore incorporates its recitations. Along lines discussed above, the combination of Galipeau, Rasanen and Grabowsky does not suggest "a data communication server co-located with the moving object, the data communication server including a plurality of interface units for accessing different data networks including an Ethernet interface unit, an ISDN interface unit, and a pre-determined wireless data network interface unit" as recited in claim 4. Rai does not supply the subject matter absent from the latter references. Therefore, claim 6 is allowable over Galipeau, Rasanen, Grabowsky and Rai for at least the reasons discussed in

connection with claim 4. Withdrawal of the rejection of claim 6 as being unpatentable over Galipeau, Rasanen, Grabowsky, Chen and Rai is therefore respectfully requested.

Claim 11 was rejected under 35 USC 103(a) as being unpatentable over Galipeau, Rasanen, Grabowsky and Hiatt (US 6,477,142). Claim 11 recites "a data communication server and a satellite communication server co-located with [a] moving object, the data communication server including a plurality of interface units for accessing different data networks including an Ethernet interface unit, an ISDN interface unit, and a pre-determined wireless data network interface unit." As discussed above, Galipeau, Rasanen and Grabowsky are silent as to this subject matter, and Hiatt does not remedy the deficiencies in the latter references. Claim 11 is therefore allowable over Galipeau, Rasanen, Grabowsky and Hiatt. Accordingly, withdrawal of the rejection of claim 11 as being unpatentable over Galipeau, Rasanen, Grabowsky and Hiatt is respectfully requested.

Claim 12 was rejected under 35 USC 103(a) as being unpatentable over Galipeau in view of Rasanen and Hiatt. Like claim 11, claim 12 recites "a data communication server and a satellite communication server co-located with [a] moving object, the data communication server including a plurality of interface units for accessing different data networks including an Ethernet interface unit, an ISDN interface unit, and a pre-determined wireless data network interface unit." As discussed in connection with claim 11, none of Galipeau, Rasanen or Hiatt suggests the noted recitations. Withdrawal of the rejection of claim 12 as being unpatentable over Galipeau, Rasanen and Hiatt is therefore respectfully requested.

Claims 15 and 18 were rejected under 35 USC 103(a) as being unpatentable over Galipeau in view of Rasanen. Claim 15 recites "a data communication server co-located with [a] moving object, the data communication server including a plurality of interface units for accessing different data networks including an Ethernet interface unit, an ISDN interface unit, and a pre-determined wireless data network interface unit." Along lines discussed above, Galipeau and Rasanen are silent as to the latter.

Accordingly, claim 15 is allowable over Galipeau and Rasanen. Claim 18 depends on claim 15 and therefore incorporates its recitations. Claim 18 is therefore likewise allowable over Galipeau and Rasanen for at least the reasons discussed in connection with claim 15. In view of the foregoing, withdrawal of the rejection of claims 15 and 18 as being unpatentable over Galipeau and Rasanen is respectfully requested.

Claims 16 and 19 were rejected under 35 USC 103(a) as being unpatentable over Galipeau in view of Rasanen in view of Rai. Claims 16 and 19 depend on claim 15 and therefore incorporate its recitations. As discussed, none of Galipeau, Rasanen or Rai suggests "a data communication server co-located with [a] moving object, the data communication server including a plurality of interface units for accessing different data networks including an Ethernet interface unit, an ISDN interface unit, and a pre-determined wireless data network interface unit" as recited in claim 15. Claim 15 is therefore allowable over Galipeau, Rasanen and Rai. Claims 16 and 19 are therefore likewise allowable over Galipeau, Rasanen and Rai for at least the reasons discussed in connection with claim 15. Accordingly, withdrawal of the rejection of claims 16 and 19 as being unpatentable over Galipeau, Rasanen and Rai is respectfully requested.

Claims 20 and 21 were rejected under 35 USC 103(a) as being unpatentable over Galipeau, Rasanen in view of Rai and Reed et al. (US 6,088,717) ("Reed"). Along lines discussed above, claims 20 and 21 depend on claim 15 and are therefore allowable over Galipeau, Rasanen and Rai for at least the reasons discussed in connection with claim 15. Reed does not cure the deficiencies in Galipeau, Rasanen and Rai with respect to claim 15. Withdrawal of the rejection of claims 20 and 21 as being unpatentable over Galipeau, Rasanen, Rai and Reed is therefore respectfully requested.

Claim 23 was rejected under 35 USC 103(a) as being unpatentable over Galipeau in view of Rai. Claim 23 recites "a plurality of interface units, including an Ethernet interface unit, an ISDN interface unit, and a pre-determined wireless data network interface unit, for accessing different data networks ... wherein the data

communication server is co-located with a moving object." As discussed previously, Galipeau and Rai are silent as to the noted recitation. Withdrawal of the rejection of claim 23 as being unpatentable over Galipeau in view of Rai is therefore respectfully requested.

Claim 24 was rejected under 35 USC 103(a) as being unpatentable over Galipeau in view of Grabowsky and Rai. Claim 24 recites "a data communication server, co-located with the moving object, for establishing a radio communication path between a moving object and a ground station including a plurality of interface units for accessing different data networks including an Ethernet interface unit, an ISDN interface unit, and a pre-determined wireless data network interface unit," and accordingly is allowable over Galipeau, Grabowsky and Rai for at least this reason, along lines discussed earlier. Withdrawal of the rejection of claim 24 as being unpatentable over Galipeau, Grabowsky and Rai is therefore respectfully requested.

Claim objections

Claims 8, 9, 13 and 14 were indicated to be allowable if rewritten in independent form. Accordingly, these claims have been so rewritten and are allowable.

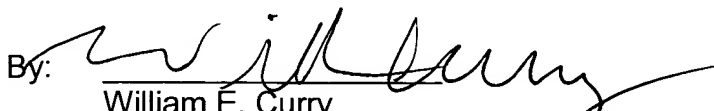
Conclusion

In light of the above discussion, Applicant respectfully submits that the present application is in all aspects in allowable condition, and earnestly solicits favorable reconsideration and early issuance of a Notice of Allowance.

The Examiner is invited to contact the undersigned at (202) 220-4323 to discuss any matter concerning this application. The Office is authorized to charge any fees related to this communication to Deposit Account No. 11-0600.

Respectfully submitted,

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